



IAP07Rec'd PCT 29 OCT 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Naoto OJIMA, et al.**

Attention: **Applications Division**

Serial Number: **10/589,746**

Group Art Unit: **Not Yet Assigned**

Filed: **April 18, 2007**

**P.T.O. Confirmation No.: 9503**

For: **NICOTINE-REDUCING AGENT AND NICOTINE REDUCTION METHOD**

**REQUEST FOR CORRECTED FILING RECEIPT and NOTICE OF ACCEPTANCE  
OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: October 29, 2007

Sir:

Please supply the undersigned attorney with a corrected filing receipt for the above-identified application. The undersigned also respectfully requests that the Patent and Trademark Office records be amended to reflect the correction.

In reviewing the official Filing Receipt, we noted errors in that the **371(c) date**, the name of the second inventor and the application number of the second foreign application is incorrect. A copy of the **postcard receipt dated April 18, 2007**, the **Response to Notification of Missing Requirements dated April 18, 2007** and the **declaration** is enclosed which indicates the correct information. We are enclosing a copy of the filing receipt with the corrections highlighted.

In reviewing the official Notice of Acceptance of Application Under 35 U.S.C. 371 and 35 CFR 1.495, we noted errors in that **relevant dates** and **dates of receipt of two papers** are incorrect. A copy of the **postcard receipt dated April 18, 2007** and the **Response to Notification of Missing Requirements dated April 18, 2007** is enclosed which indicates the correct information. We are enclosing a copy of the Notice of Acceptance of Application Under 35 U.S.C. 371 and 35 CFR 1.495 with the corrections highlighted.

In the event that any fees are required in connection with this paper, please charge our  
Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Donald W. Hanson  
Attorney for Applicants  
Reg. No. 27,133

DWH/jaz

Atty. Docket No. **060622**  
Suite 400  
1420 K Street, N.W.  
Washington, D.C. 20005  
(202) 659-2930



**23850**

PATENT & TRADEMARK OFFICE

- Enclosures:
- (1) Official Filing Receipt
  - (2) Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495
  - (3) Postcard dated April 18, 2007
  - (4) Response to Notification of Missing Requirements dated April 18, 2007
  - (5) Declaration
  - (6) Requested changes page submitted October 26, 2007



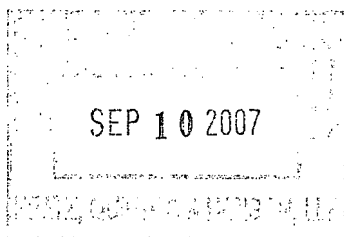
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/589,746	<del>04/30/2007</del> 04/18/2007		1160	060622	14	3

CONFIRMATION NO. 9503

23850  
 KRATZ, QUINTOS & HANSON, LLP  
 1420 K Street, N.W.  
 Suite 400  
 WASHINGTON, DC 20005



## FILING RECEIPT



\*OC000000025628029\*

Date Mailed: 09/07/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Naoto Ojima, Osaka, JAPAN;  
 Omoto Teshio, Osaka, JAPAN;  
 Atsushi Kozakai, Osaka, JAPAN;  
 Hisakatsu Iwabuchi, Osaka, JAPAN;

Teshio Omoto

**Power of Attorney:** The patent practitioners associated with Customer Number 23850.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP05/02649 02/18/2005

## Foreign Applications

JAPAN 2004-043610 02/19/2004  
 JAPAN ~~2004-135448~~ 04/30/2004

2004-136448

If Required, Foreign Filing License Granted: 08/30/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/589,746**

Projected Publication Date: 12/06/2007

Non-Publication Request: No

DOCKETED

DATE

9/14/07

**Early Publication Request:** No

**Title**

Nicotine-Reducing Agent And Nicotine Reducing Method

**Preliminary Class**

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED; FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

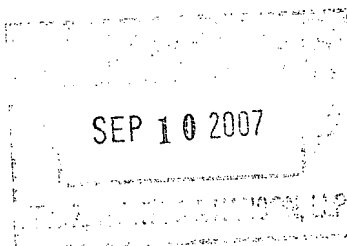


## UNITED STATES PATENT AND TRADEMARK OFFICE

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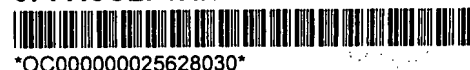
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,746	Naoto Ojima	060622

23850  
 KRATZ, QUINTOS & HANSON, LLP  
 1420 K Street, N.W.  
 Suite 400  
 WASHINGTON, DC 20005



INTERNATIONAL APPLICATION NO.	
PCT/JP05/02649	
I.A. FILING DATE	PRIORITY DATE
02/18/2005	02/19/2004

CONFIRMATION NO. 9503  
 371 ACCEPTANCE LETTER



\*OC000000025628030\*

Date Mailed: 09/07/2007

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<del>04/30/2007</del> <i>05/11/2007</i> DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	<del>04/30/2007</del> <i>05/11/2007</i> DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS
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A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 08/17/2006
- English Translation of the IA filed on ~~04/30/2007~~ *05/11/2007*
- Copy of the International Search Report filed on 08/17/2006
- Information Disclosure Statements filed on 08/17/2006
- Oath or Declaration filed on ~~04/30/2007~~ *05/11/2007*
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006
- Specification filed on 08/17/2006
- Claims filed on 08/17/2006
- Abstracts filed on 08/17/2006

DOCKETED

DATE

*9/14/07*

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

CARD NO: 24942

U.S. Patent Application      Docket No: 060622  
Serial No: 10/589,746      Filed: 08/17/06  
Patent Number:      Issued:  
Applicant(s): OJIMA, Naoto, et al.

Papers filed herewith on: 04/18/07



**Other: Response to Notification of Missing Requirements,  
Declaration, Notification, the verified English translation of  
the Application, Drawings, 3 sheets (Figures 1-8) and  
statement of verified translation.**

COMMISSIONER OF PATENTS

Receipt is hereby acknowledged of the papers filed as indicated  
in connection with the above-identified case.

DWH/RMP



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **OJIMA, Naoto, et al.**

**ATTN: PCT BRANCH**

Serial No.: **10/589,746**

Group Art Unit: **Not Yet Assigned**

Filed: **August 17, 2006**

P.T.O. Confirmation No.: **9503**

For: **NICOTINE-REDUCING AGENT AND NICOTINE REDUCTION METHOD**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 18, 2007

Dear Sir:

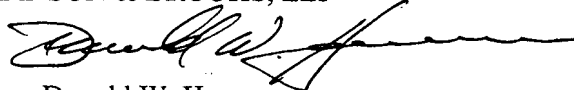
In response to the Notification of Missing Requirements of Application dated **April 5, 2007**, enclosed for filing is an executed Declaration and Power of Attorney and the verified English translation of the application, drawings, 3 sheets ( Figures 1-8) and statement of verified translation for the above-identified patent application.

Please note that the surcharge fee of **\$130.00** for filing the late Declaration was paid at the initial filing. The fees enclosed at initial filing on **August 17, 2006** were **\$1,160.00** (\$300.00 for basic filing fees, \$400.00 for the search fee, \$200.00 for the examination fee, \$130.00 for the verified English translation of the application, drawings, 3 sheets ( Figures 1-8) and statement of verified translation and \$130.00 for filing the late Declaration). In the event that any additional fees are due with this paper, please charge Deposit Account No. 01-2340.

In the event that this response is not timely filed, the applicants hereby petition for an appropriate extension of time. The fees for any such extension may be charged to our Deposit Account No. 01-2340.

Respectfully submitted,

**ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP**



Donald W. Hanson  
Attorney for Applicants  
Reg. No. 27,133

DWH/rmp  
Atty. Docket No. **060622**  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



**23850**

**PATENT TRADEMARK OFFICE**

Enclosures: Notification; Declaration; the verified English translation of the application, drawings, 3 sheets ( Figures 1-8) and statement of verified translation.

# DECLARATION FOR U.S. PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NICOTINE-REDUCING AGENT AND NICOTINE REDUCTION METHOD

the specification of which is attached hereto unless the following is checked

☒ was filed on February 18, 2005 as United States Application Number or PCT International

Application Number PCT/JP2005/002649 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) – (d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application for which priority is claimed.

(List prior foreign applications. See note A)

Priority Claimed

<u>2004-43610</u> (Number)	<u>Japan</u> (Country)	<u>19/02/2004</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u><del>2004-136448</del></u> (Number)	<u>Japan</u> (Country)	<u>30/04/2004</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

(See note B)

☐ See attached list for additional prior foreign applications

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(List prior U.S. Applications)

Status

<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

By appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

23850

PATENT TRADEMARK OFFICE

Please direct all communications to the following address:

23850

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, ' 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(See note C)

Full name of sole or first inventor (given name, family name)

OJIMA Naoto

Inventor's signature

*Naoto Ojima*

Date September 7, 2006

Residence

Toyonaka-shi, Osaka 5618588, Japan

Citizenship

Japan

Post Office Address

c/o SAN-EI GEN F.F.I., INC., 1-1-11, Sanwa-cho, Toyonaka-shi, Osaka 5618588, Japan

Full name of second inventor (given name, family name)

OMOTO Toshio

Inventor's signature

*Toshio Omoto*

Date September 7, 2006

Residence

Toyonaka-shi, Osaka 5618588, Japan

Citizenship

Japan

Post Office Address

c/o SAN-EI GEN F.F.I., INC., 1-1-11, Sanwa-cho, Toyonaka-shi, Osaka 5618588, Japan

Full name of third inventor (given name, family name)

KOZAKAI Atsushi

Inventor's signature

*Atsushi Kozakai*

Date September 7, 2006

Residence

Toyonaka-shi, Osaka 5618588, Japan

Citizenship

Japan

Post Office Address

c/o SAN-EI GEN F.F.I., INC., 1-1-11, Sanwa-cho, Toyonaka-shi, Osaka 5618588, Japan

Full name of fourth inventor (given name, family name)

IWABUCHI Hisakatsu

Inventor's signature

*H. Iwabuchi*

Date September 7, 2006

Residence

Toyonaka-shi, Osaka 5618588, Japan

Citizenship

Japan

Post Office Address

c/o SAN-EI GEN F.F.I., INC., 1-1-11, Sanwa-cho, Toyonaka-shi, Osaka 5618588, Japan

Full name of fifth inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

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**10/589,746      Nicotine-Reducing Agent And Nicotine Reducing Method**

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**10-26-  
2007::15:38:57**

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**Publication Review - Review corrections prior to submission**

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**Change request ready to submit for application number: 10/589,746**

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Customer Name: Melanio R. Quintos

Date Submitted: 10-26-2007::15:38:57

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**Requested Changes**

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Description: Please correct the filing or 371(c) date: to read as - - April 18, 2007--.

Location: Please see the Response to Notification of Missing Requiriements along with Declaration, as filed in the USPTO on April 18, 2007. and which has been Scanned into Private Pair.

---

**Point of Contact:**

---

Point of Contact Name: Linda Jones

Telephone : 2026592930

E-Mail: ljones@kqhpatentlaw.com

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**Close Window**